

Serial No. 09/993,080
Amendment Dated January 19, 2006
Reply to Office Action of November 3, 2005

REMARKS/ARGUMENTS

Claim rejections under 35 USC § 112

Claim 53 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 53 has been cancelled.

Claim rejections under 35 USC § 103

Claims 25, 49 and 54 are rejected under 35 U.S.C. 103(a), as being unpatentable over Dunder E. et al. in Maize Transformation by Microprojectile Bombardment of Immature Embryos; Springer-Verlag, Berlin-Heidelberg; pages 127-138.

Applicants traverse the rejection for reasons stated in the response dated May 9, 2005. In order to expedite prosecution Applicants have cancelled Claims 25, 49, and 54 and amended Claim 26. Claim 26 now includes the limitations of the base claim, 25. Claims 28-30 and 36-37, which depend from Claim 26, also contain the limitations of the base claim.

In order to expedite issuance, Applicants have cancelled previously withdrawn claims 3, 7- 9, 10, 14-24, 27, 31-34, 38-48, 51 and 62.

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CONCLUDING REMARKS

Applicants have amended Claim 26. Claims 1, 4, 5, 6, 26, 28, 29, 30, 36, 37, and 55, are now pending. No new matter has been added by amendment. Reexamination and reconsideration of the claims as amended are respectfully requested. In view of the above comments and amendments, withdrawal of the outstanding rejection and allowance of the remaining claims is respectfully requested.

Respectfully submitted.



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